

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: REAL PROPERTY TAX SERVICES

DATE: **MARCH 1, 2010**

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BENTLEY
 THOMAS
 MERLINO
 GIRARD
 MCDEVITT

COMMITTEE MEMBERS ABSENT:

SUPERVISORS GOODSPEED
 STEC

OTHERS PRESENT:

MICHAEL SWAN, DIRECTOR, REAL PROPERTY TAX
SERVICES
FREDERICK MONROE, CHAIRMAN
PATRICIA NENNINGER, SECOND ASSISTANT COUNTY
ATTORNEY
NICOLE LIVINGSTON, DEPUTY CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISOR TAYLOR
SUPERVISOR MCCOY
SUPERVISOR CONOVER
SUPERVISOR LOEB
SUPERVISOR PITKIN
DON LEHMAN, *THE POST STAR*
JOANNE COLLINS, LEGISLATIVE OFFICE SPECIALIST

In the absence of the Committee Chair, Vice Chairman Bentley called the meeting of the Real Property Tax Services Committee to order at 9:35 a.m.

Motion was made by Mr. Thomas, seconded by Mr. Merlino and carried unanimously to approve the minutes of the January 25, 2010 Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Michael Swan, Director of Real Property Tax Services (RPTS), who distributed copies of the agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Mr. Swan reviewed the corrections from the Treasurer's Office. With regard to charge backs, he pointed out the three transition assessments for Stony Creek relative to the School Tax, and the aggregate assessment for Stony Creek for which the State had approved an increase. Mr. Swan reported a net increase of approximately \$97,000.

Mr. Girard entered the meeting at 9:36 a.m.

Motion was made by Mr. Merlino, seconded by Mr. Thomas and carried unanimously to approve the corrections from the Treasurer's Office as detailed in the report, and the necessary resolution was authorized for the March 19, 2010 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Privilege of the floor was extended to Dick Emerson, whose sealed bid for the County Fairgrounds property in Warrensburg was rejected at the previous Board of Supervisors meeting. Mr. Emerson stated that when Mr. Kenny and Mr. Stec made a motion to advertise for the sale of the County property, it was his understanding that the underused, surplus parcel was a maintenance expense to the County and the sale would be beneficial to the County; thereby placing it on the tax rolls. He further expressed that if sold, the property could generate income and event planning could potentially elevate the profile of the region and the Town of Warrensburg. He appealed to the Committee that his offer of \$61,500 was reasonable when based on neighboring land values. He enumerated eleven contingencies on the sale of the property which included Adirondack Park Agency (APA) approval, and the need for various applications and surveys, as well as the need to abide by prior commitments the County may have made into the foreseeable future. Additionally, he noted the need to remediate an issue regarding a neighboring landowner who occupied a portion of the property.

Chairman Monroe entered the meeting at 9:40 a.m.

Mr. Swan asked Mr. Emerson what he had planned for the property and Mr. Emerson acknowledged the property's original intent as a fairgrounds and stated that the 42.7 acre property would be used for public assembly as it was restricted from commercialization as per the APA. He noted that the other bid was disparate at \$10,000. Mr. Merlino asked Mr. Swan the assessed value of the property and Mr. Swan indicated that an assessment had been completed for the entire 67 acre property which included the Soil and Water Conservation Building, Cornell Cooperative Extension and Countryside Adult Home parcels. Therefore, he stated, an assessment for the 25 acre County Fairgrounds portion was not available.

Mr. Bentley informed that according to the APA, the property was defined as a natural subdivision due to the presence of an existing road which divided the property into two sections. Mr. Girard expounded that his reason for opposing the sale was to remain judicious in consideration of any future County need that could arise, and it was not the amount of the bid that influenced his decision at that time. Mr. Emerson asserted that he intended to include the programs carried out on the site by Cornell Cooperative Extension.

Mr. Geraghty maintained that promoting events at this currently underutilized venue would benefit the community and he added that the County had provided funding for restrooms on the site. He stated that he was in favor of the sale as he did not foresee new events coming in over the next several years. Mr. Girard stated that the detailed information shared at today's meeting was valuable and critical to his decision to agree to the sale. Mr. Emerson expounded that he had expended much research and effort into the bid preparation process to provide a reasonable offer and he asked to maintain his bid for the purchase of the property. Mr. Merlino agreed to the sale and noted that the property was located in a flood plain, could not be made commercial or subdivided, and would not likely have any foreseeable appreciation in value for several years. Chairman Monroe maintained that an appraisal would be relevant at this time and he noted an appraised value of \$200,000 for the entire 67 acres. Mr. Swan apprised that the County Fairgrounds portion was appraised at approximately \$75,000 less than two years ago.

For the greater good of the community, Mr. Geraghty articulated his confidence in Mr. Emerson's judgement regarding possible uses for the County Fairgrounds property. Mr. Emerson summarized a portion of the Request for Proposal (RFP) which mandated the inclusion of all County events for which there were presently three.

Responding to Mr. Taylor, Patricia Nenninger, Second Assistant County Attorney, stated that she would review the terms of the bid rejection in consideration of possible implications with other Committees, and review the overall process. Chairman Monroe articulated it was required that bids remain open for 45 days and Mrs. Nenninger stated that she would confirm the information and refer the item to the Finance Committee.

Motion was made by Mr. Merlino, seconded by Mr. Girard and carried unanimously to approve the request to rescind the bid rejection of Dick Emerson, for the County Fairgrounds property located in Warrensburg, NY, and to refer same to the Public Works Committee, and to the Finance Committee, contingent upon review and approval by the County Attorney. Chairman Monroe recommended that Mr. Emerson produce a letter which indicated that the bid was rejected.

Agenda Item 3, Mr. Swan said, pertained to Parcel No. 298.15-1-5, a diner (Country Corner Restaurant) in the center of the Town of Lake Luzerne for which the County had obtained title due to unpaid back taxes. He said the parcel was auctioned at the 2009 County Land Auction with the first two bidders at \$25,000 and \$24,000, respectively, ultimately pulling their bids following a site visit. He noted that the building was at risk of collapse and if the Town declared it to be an unsafe structure, the County would be required to pay the demolition costs estimated at \$35,000. He further stated that an offer of \$15,000 had been received from the adjacent property owner. One caveat, he explained, was that the building occupied the entire parcel and additional land would be necessary for the placement of a septic system. Mr. Merlino informed that the adjacent property owner, who would tear the building down in a timely manner had offered \$15,000 for the property, and had asked to remove both

past due and current taxes and to reflect the land as vacant on the tax assessment rolls. Mr. Swan stated that past taxes are typically removed; however, he said, the current unpaid tax bill in the amount of \$785 was the responsibility of the buyer. He further explained that March 1st of each year was the Taxable Status Date thereby making the current tax due as of March 1st equal to the tax assessment amount for the subsequent year. Mr. Swan asserted that the property could not be listed as vacant land; however, he said, with \$17,084 in outstanding taxes, minus the \$2,500 down payment received from the first bidder, \$15,000 was a fair offer for the property. Mr. Merlino pointed out that the interested buyer had attended the auction with a maximum bid of \$15,000.

Regarding tax foreclosed parcels, Mrs. Nenninger expounded that the County had the option of either auction or sealed bids. One of several terms of the agreement, she said, was that the property could not be assessed as vacant land. If the Committee accepted the bid today, she stated that a resolution could be initiated to accept the counter offer of \$15,000 which included various standard terms and distinguishing same as a tax foreclosed property.

Chairman Monroe asked if both the first and second highest bidders had rejected the purchase and if there were any other interested parties. Mr. Swan confirmed that the first two highest bidders had declined and that the \$15,000 bidder was the only interested party at this time.

Motion was made by Mr. Merlino, seconded by Mr. McDevitt and carried unanimously to approve the request to accept the bid for \$15,000 for Tax Map Parcel No. 298-15-1-5 in Lake Luzerne as outlined above and the necessary resolution was authorized for the March 19, 2010 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Mr. Swan informed that the Warren County website had been redesigned with the assistance of the Information Technology (IT) Department, for ease of use and included names, email addresses, and links to the Towns and the State website. He noted that improvements were underway relative to the Town assessment information on the website and he acknowledged the use of the Town of Queensbury's site as a model in developing the County site.

Mr. Swan presented a request to renew the contract with Auctions International, Inc., for the October 17, 2010 County Land Auction, for a period of one year with the option of two additional years. He stated that Auctions International offered the lowest buyer premium and withdrawal fee of 5% and \$50, respectively.

Motion was made by Mr. McDevitt, seconded by Mr. Thomas and carried unanimously to approve the request to renew the contract as outlined above and the necessary resolution was authorized for the March 19, 2010 Board meeting. *A copy of the resolution request form is on file with the minutes.*

As there was no further business to come before the Real Property Tax Services Committee, on motion by Mr. Merlino and seconded by Mr. Girard, Mr. Bentley adjourned the meeting at 10:09 a.m.

Respectfully submitted,

Joanne Collins, Legislative Office Specialist